

## **EXHIBIT 3**

**HAYES SOLOWAY P.C.**

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*Attorneys for Defendants.*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

THE FREECYCLE NETWORK, INC.,  
an Arizona non-profit organization,

Plaintiff,

v.

TIM OEV and JANE DOE OEV,

Defendants.

**No. CIV06-173-TUC-RCC**

**DECLARATION OF ASHLEY L.  
KIRK IN SUPPORT OF  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR A PRELIMINARY  
INJUNCTION**

I, Ashley L. Kirk, declare as follows:

1. I am an attorney licensed to practice in Arizona. I am the managing attorney of the law firm of Hayes Soloway P.C., with offices at 3450 E. Sunrise Drive, Suite 140, Tucson, Arizona 85718.

2. I am an attorney who represents Tim Oey and Jane Doe Oey (Pat Oey), in a matter filed before the United States District Court for the District of Arizona. *The Freecycle*

*Network, Inc., v. Tim Oey and Jane Doe Oey*, Case No CIV06-173-TUC-RCC on April 4, 2006. That lawsuit has been assigned to the Honorable Raner C. Collins, United States District Court Judge. Plaintiff filed a motion for preliminary injunction on April 19, 2006.

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3. I am not representing Tim Oey or Jane Doe Oey (Pat Oey) *pro bono*.
4. On May 2, 2006 and May 3, 2006, I performed a Google group search attached as Tab 1; downloaded magazine articles critical of The Freecycle Network attached as Tab 2; downloaded a blog critical of The Freecycle Network attached as Tab 3; downloaded several pages of discussion groups critical of The Freecycle Network attached as Tab 4; and downloaded a Wikipedia article concerning The Freecycle Network attached as Tab 5.

DATED this 4th day of May, 2006.

HAYES SOLOWAY P.C.  
3450 E. Sunrise Drive, Suite 140  
Tucson, Arizona 85718

By: /s/Ashley L. Kirk  
Ashley L. Kirk  
*Attorney for Defendants*

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## **APPENDIX C - TAB 1**

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freecycle

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## Searched all groups

Results 1 - 10 of 7,850 for **freecycle**. (0.16 seconds)[Sorted by relevance](#) [Sort by date](#)

### Groups matching **freecycle**

[HRM\\_Freebies](#) - 48 members - Last message: 15 hours ago

Description: This is a group for people in the HRM area who are ...

[Lavergne FreeCycle](#) - 26 members - Last message: Nov 17 2005Description: Welcome to the **Freecycle** Network, where one person's ...[37 more »](#)

### [Damage Control at Freecycle? REPOST](#)

... 15 Mar 2005 21:19:24 -0700, Jules Striker &lt;"Kristian Damgaard"&gt; wrote: The comments

from MS appeared in the messages section for Edmonton **Freecycle** just now ...  
[edm.forsale](#) - Mar 28, 2:28 pm by arielv2@37.com - 92 messages - 48 authors

### [Freecycle/business? Or Scam for Moderators? CRA To Investigate ...](#)

From: "The Free World" <thefreeworldrecyclinggr...@gmail.com> Newsgroups: [can.general](#)Subject: Deron Beal **freecycle** \$150,000 Date: 22 Apr 2005 08:47:00 -0700 ...  
[edm.general](#) - Mar 11, 11:46 am by Ariadne - 63 messages - 32 authors

### [Freecycle in Wales](#)

[Freecycle in Wales](#) Report Date : 30 October 2005 \* \* \* \* \* **Freecycle** -  
<http://www.freecycle.org/> The **Freecycle** Network is a worldwide movement of ...  
[uk.environment](#) - Oct 30 2005, 1:06 pm by d...@rren.cymraeg.org - 2 messages - 2 authors

### [In The News freecycle Being Sued!](#)

In The News (**freecycle**) Being Sued! At present **freecycle** is in a court battle and being sued by FreecycleSunnyvale for damages incurred ...  
[alt.recovery.clutter](#) - Feb 5, 2:59 am by xfreecyclex - 2 messages - 2 authors

### [Deron Beal freecycle \\$150,000](#)

Deron Beal **freecycle** \$150,000 Imagine this Deron Beal the creator of **freecycle** is no longer running a free network. And he is the only salaried staff. ...  
[misc.consumers.frugal-living](#) - Apr 22 2005, 10:20 pm by The Free World - 3 messages - 3 authors

### [Huckster for Freecycle, Now ADMITS Getting Camera, and Who ...](#)

... Was James D, the second-hand dealer removed as a moderator by the others running  
**freecycle**, because of all the bad publicity he and Bax are generating? ...  
[edm.forsale](#) - Feb 15, 1:27 pm by KennyMcVaySOB - 334 messages - 79 authors

### [Greadiest freecycle moo to date](#)

**Freecycle** is full of parents and breeders, some of them greedy. Of course it's good when parents on **freecycle** offer clothes when ...  
[alt.support.childfree](#) - Feb 16, 4:52 pm by Terry Lomax - 2 messages - 1 author

### [Is Freecycle Run As A Business?](#)

... That's right - **Freecycle** is \*not\* for selling or trading items. So if I want to trade my items for a tax receipt, **Freecycle**'s not the way to do it. ...

[edm.general](#) - Mar 15 2005, 11:04 pm by Bart Oleksy - 62 messages - 24 authors

**FT: Freecycle - Bargains from cyberspace free for the asking**

That is the idea behind **Freecycle**, a network of internet-based giveaway clubs that is gaining hundreds of thousands of new members around the world every month ...  
[alt.marketplace.online.ebay](#) - Oct 29 2004, 1:00 pm by Sufaud - 1 message - 1 author

**FBI/IRS complaints against freecycle fraud**

<https://www.ifccfbi.gov> Yes Paul, a great site, I am sure there are hundreds if not thousands of **freecycle** members or former members who are currently aware ...

[alt.fan.cecil-adams](#) - Nov 16 2005, 12:51 am by NameNotRelea...@gmail.com - 1 message - 1 author

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The goal of **freecycle** is to cut down on landfill fodder This is exactly why I think it's so great! ... What is **freecycle** supposed to be for?? ...

[rec.pets.cats.anecdotes](#) - Dec 6 2005, 9:57 pm by srid...@aol.com - 38 messages - 22 authors

**stop talking about freecycle fraud, report it!!**

<https://www.ifccfb.gov> a great site, I am sure there are hundreds if not thousands of **freecycle** members or former members who are currently aware that they ...

[edm.general](#) - Nov 16 2005, 12:45 am by NameNotRelea...@gmail.com - 4 messages - 4 authors

**Freecycle**

... If the London fellow isn't already doing this, talk to him and the mods of any other not-quite-in-your-region neighboring **Freecycle** groups...they may want to ...

[alt.fan.cecil-adams](#) - Mar 2 2005, 10:22 pm by incandescent blue - 224 messages - 41 authors

**Let's do some freecycle**

... Scarborough, Canada--[freecycle.org](#) The Scarborough, Ontario **Freecycle** Network is

open to all ... Check out **freecycle.org** for other cities and info on the movement! ... [ott.forsale](#) - Dec 20 2004, 9:11 am by moose - 1 message - 1 author

**As Freecycle grows, idealism and reality collide**

As **Freecycle** grows, idealism and reality collide By Matt Weiser 19 May 2005 Got a garage full of stuff you don't need? Try posting it on **Freecycle**. ...

[alt.dumpster](#) - May 19 2005, 8:51 pm by Freecycle Anonymous - 1 message - 1 author

**Freecycle [was: Before I Admit To Anything! :-)]**

... **Freecycle**, just started in 2003, has 3200 groups in 50 countries around the world! ... On **Freecycle** pretty much everything gets taken. ...

[alt.recovery.clutter](#) - Nov 12 2005, 6:39 am by egstcm - 31 messages - 11 authors

**freecycle Bax, Aly, Kelly-Anne, Darlene, Dana, Kim, Melissa James**

I wonder how many **freecycle** feel like they were taken in by the idea of **freecycle** when it is all about profit not keep thing out of land fills or re-cycle. ...

[edm.forsale](#) - Oct 31 2005, 5:50 pm by no mail - 53 messages - 21 authors

**Freecycle.org**

... For clarification, neither **FreeCycle.org** nor **Craigslist.org** has a charge for using, but all of the merchandise on **FreeCycle** is FREE and all of the merchandise ...

[rec.crafts.brewing](#) - Feb 5, 7:19 pm by KLS - 9 messages - 6 authors

**freecycle fraud**

FBI/IRS complaints against **freecycle** fraud wodiwkcalb2005 Offline

<https://www.ifccfb.gov>

Yes Paul, a great site, I am sure there are hundreds if not thousands ...

[alt.marketing.online.ebay](#) - Nov 16 2005, 1:06 am by Widow - 13 messages - 6 authors

**FreeCycle**

Groups in hundreds of cities. From the main site <http://www.freecycle.org> you can select "West Coast" then San Diego. Yahoo! Groups : [sdfreecycle](http://groups.yahoo.com/group/sdfreecycle/)Yahoo! ...  
**sdnet.forsale** - Dec 6 2004, 9:48 pm by firechief - 3 messages - 3 authors

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Results 21 - 30 of 7,940 for **freecycle**. (0.20 seconds)[Sorted by relevance](#)[Sort by date](#)

### **Damage Control at Edmonton Freecycle? REPOSTED**

... 15 Mar 2005 21:19:24 -0700, Jules Striker <"Kristian Damgaard" > wrote: The comments from MS appeared in the messages section for Edmonton **Freecycle** just now ... [ab.general](#) - Mar 18 2005, 10:11 am by JohnMacDonald - 3 messages - 2 authors

### **Freecycle**

There are also places like **Freecycle** where you might be able to hook up with one <http://www.freecycle.org> I'd just like to chime in with a plug for **Freecycle**! ... [rec.pets.cats.anecdotes](#) - Oct 21 2004, 11:40 pm by Yoj - 10 messages - 7 authors

### **For Moos, "Freecycle" = "Freeload"**

I love the idea of **Freecycle** and I wish there were one in Santa Cruz. If I had time, I'd set it up myself (limiting the want-ads ... [alt.support.childfree](#) - Apr 27 2004, 11:46 am by Veronique - 5 messages - 3 authors

### **Reduce, Reuse and FREEcycle!**

... **Freecycle** is open to all individuals, organizations & businesses who want to "recycle" that unneeded item rather than throw it away. ... [misc.consumers.frugal-living](#) - Apr 27 2004, 7:00 am by Eric Snyder - 1 message - 1 author

### **Damage Control at Freecycle?**

The comments from MS appeared in the messages section for Edmonton **Freecycle** just now, so thought more people giving comments will be constructive. ... [edm.forsale](#) - Jan 21, 5:46 pm by Lisa McVay-Henske - 4 messages - 4 authors

### **HAMILTON FREECYCLE**

**HAMILTON FREECYCLE** Welcome to Hamilton **Freecycle**, I hope you have a great time freecycling! To start sending messages to members ... [hamilton.buySell](#) - Jun 29 2004, 8:22 pm by LIMEYNO1 - 1 message - 1 author

### **freecycle**

... things (not junk) for which I have no further need but I was barred because I offended someone by suggesting that the stated ethos of **Freecycle** was "changing ... [uk.d-i-y](#) - Mar 8, 2:42 pm by Stuart - 24 messages - 17 authors

### **OT: Freecycle**

... space. <http://www.freecycle.org> The worldwide (!) **Freecycle** Network is made up of many individual groups across the globe. It's ... [alt.music.michael-jackson](#) - May 5 2004, 12:00 am by Sarina - 1 message - 1 author

### **freecycle**

The worldwide (!) **Freecycle** Network is made up of many individual groups across the globe. It's a grassroots movement of people ... [alt.consumers.free-stuff](#) - May 14 2004, 7:09 am by Ashara - 1 message - 1 author

**Give to Charities, Not Freecycle=WARNING! - Repost**

Aparently you didnt see the big article in the sun 9 days ago again praising the **Freecycle** group. ... Something must be really rotten at Edmonton **Freecycle**. ... [edm.general](#) - Oct 18 2005, 11:48 pm by The Helpful One - 71 messages - 35 authors

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The **freecycle** group is discouraging the use of curb alerts, though, although I understand it is still the custom with a few groups. ... <http://www.freecycle.org>

[alt.recovery.clutter](#) - Jan 16 2005, 9:09 pm by Piper - 2 messages - 2 authors**OT - Freecycle Challenge**[... Mary \(Idaho to Oregon via Montana\)](#)<http://community.webshots.com/user/mardor1948>[I finally got around to looking into Freecycle in my area and attempted to ...](#)[rec.crafts.textiles.quilting](#) - Feb 2, 11:04 pm by maryd - 13 messages - 9 authors**Freecycle Leinster**

I am pleased to announce Leinster **Freecycle**. ... If someone is interested in starting up **Freecycle** in one of the other areas, feel free! ...

[alt.mothers](#) - Nov 14 2004, 4:03 pm by Irish Marie - 9 messages - 4 authors**freecycle (was Re: Free Punching Bag)**

I just joined my local **freecycle** group, and it is moderated. ... another suggestion would

[be to list it on a local \*\*Freecycle\*\* <http://www.freecycle.org/> list. ...](#)[misc.consumers.frugal-living](#) - Jul 17 2004, 3:35 pm by Jane Sitton - 39 messages - 18 authors**Ottawa Freecycle: Turning Trash Into Treasure**

FOR IMMEDIATE RELEASE: Ottawa **Freecycle: Turning Trash Into Treasure** ...  
[ont.general](#) - Mar 2 2004, 4:48 pm by Eric Snyder - 2 messages - 1 author

**First Freecycle experience a success!**

Hi Trina et al: I'm collecting **Freecycle** "success" stories to be used on an upcoming TV interview. Would you mind send your **Freecycle** ...

[alt.recovery.clutter](#) - Jan 5 2005, 4:45 am by egstcm - 4 messages - 4 authors**Got junque? Freecycle it.**

**Freecycle** <http://www.freecycle.org> is an interesting concept. Got junk? Is it possibly interesting to others? Post what you got and see who will take it away. ...

[rec.arts.sf.fandom](#) - Oct 28 2003, 3:19 pm by yeltrabn...@email.com - 4 messages - 3 authors**Diesel trucks on Freecycle**

Sorry you can't think that way. Actually, Vegas has two fantastic **freecycle** groups. ... It's just all in the **freecycle** and Christmas spirit. ...

[misc.transport.trucking](#) - Dec 17 2005, 5:47 pm by gashauler - 10 messages - 5 authors**Pre-FreeCycle**

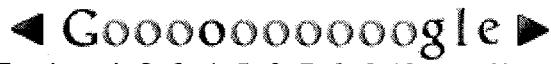
guy.k...@zett.net.co.uk said... Before I **FreeCycle** it - I've a spare Sony car radio and 10-disc CD player. Anyone want it? Excited squeals... ...

[uk.rec.sheds](#) - Dec 3 2005, 6:36 pm by Sena - 36 messages - 6 authors**Childfree moment of the day--from Freecycle!**

Okay, some of you may have already read my post about giving free tarot readings

to get back in practice, to people from the Austin **Freecycle** list. ...  
**alt.support.childfree** - May 21 2004, 9:55 pm by Atalanta Pendragonne - 2 messages - 2 authors

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Results 41 - 50 of 3,440 for **freecycle**. (0.25 seconds)[Sorted by relevance](#)[Sort by date](#)

### **Freecycle**

Margie, you sound like my brother - he won't use **Freecycle** because he says he'd have to tell people when to come when he's home and that's like advertising ...

[sci.med.transcription](#) - Oct 9 2005, 5:46 pm by Liz - 33 messages - 17 authors

### **Rant - Freecycle**

... And all good makes, not cheap stuff. So since of little value but wanting it to be used rather than scrapped, I decided to use **Freecycle**. ...

[argonet.zfc](#) - Feb 19, 4:55 pm by Dave Plowman (News) - 1 message - 1 author

### **OT: Freecycle (was New Yahoo Group - Greedbay)**

Bertha mentioned the **Freecycle** Yahoo lists... Anyone else utilize **freecycle**? We have half a dozen in and around Phoenix in the various suburbs. ...

[alt.marketing.online.ebay](#) - Jan 24 2005, 7:18 pm by Lumpy - 15 messages - 8 authors

### **freecycle**

... away. beats trashing up our earth, anyday. <http://www.freecycle.org/> -- everything is a goat : <http://www.goatism.org/logic.htm>

[alt.gathering.rainbow](#) - Feb 16, 3:03 am by heyzeus - 1 message - 1 author

### **Damage Control at Freecycle? Repost**

The comments from MS appeared in the messages section for Edmonton **Freecycle** just

now, so thought more people giving comments will be constructive. ...

[edm.forsale](#) - Mar 5, 2:14 pm by DaveJolly - 2 messages - 2 authors

### **Could 4paperplus sue freecycle.org? The original freecycle(tm)**

Could 4paperplus sue **freecycle.org**? The original **freecycle(tm)** **FreeCycle** - a non profit service designed to help the environment ...

[misc.consumers.frugal-living](#) - Apr 26, 8:29 am by freecycled.blogspot.com - 1 message - 1 author

### **Freecycle changing the world one gift at a time**

**Freecycle** changing the world one gift at a time <http://freecycle.org/> I don't know about changing the world but, I like getting or giving free stuff! ...

[alt.dumpster](#) - Jul 20 2004, 11:06 pm by Bear - 4 messages - 4 authors

### **Freecycle - is it worth the effort?**

I know there are some dedicated freecyclers in the group, and you will probably answer in the positive. BUT... I thought I'd try ...

[aus.family](#) - Mar 21, 8:41 am by Narelle - 6 messages - 4 authors

### **www.freecycle.org**

... I just \*love\* **Freecycle**! Actually its [www.freecycle.org](http://www.freecycle.org) news:41F44D9A.3070801@usa.net... Take it to [www.freecycle.com](http://www.freecycle.com) Ok guys, that's enough. ...

[alt.hvac](#) - Jan 23 2005, 9:32 pm by Noon-Air - 19 messages - 10 authors

### **freecycle**

I am part of cardiffs but can not find others. Take a look on <http://www.freecycle.org> on the left is a category for United Kingdom. Paul

[alt.consumers.uk-freebies](#) - Oct 17 2005, 5:24 pm by Paul Haslam - 5 messages - 3 authors

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### **Reply: Freecycle**

... I spent this morning helping at the Napanee landfill site, the local **freecycle** groups (I am the owner of one) had an area set up to divert things from the ...  
[ODSP Fireside](#) - Oct 22 2005, 3:55 pm by Rosie - 15 messages - 8 authors

### **Give to Charities, Not Edmonton Freecycle=WARNING!**

With CRA now getting interested in some of the people running **Freecycle**, we can expect interesting changes soon. If you were honest ...  
[calgary.general](#) - Feb 26, 11:19 am by KATO - 9 messages - 6 authors

### **Give to Charities, Not Edmonton Freecycle=WARNING!**

If you could be bothered to read the [freecycle.org](#) rules you would understand why those things (trades and services) aren't allowed on **Freecycle**. ...  
[edm.general](#) - Dec 29 2005, 7:40 am by Fakename - 3 messages - 3 authors

### **Freecycle**

Hey all, I don't know if any of you have heard of this (I hadn't until yesterday).  
**Freecycle** is a neat online project for getting rid of unwanted items. ...  
[comp.sys.cbm](#) - Jan 25 2005, 9:02 pm by Leif Bloomquist - 2 messages - 2 authors

### **Who mentioned Freecycle.org?**

someone said they loved **Freecycle**. ... Hey Beth, I was noting your mention of a waterbed, because it all comes around to why I found **Freecycle** so GREAT. ...  
[alt.recovery.clutter](#) - Jun 12 2004, 11:29 pm by PattyC - 12 messages - 10 authors

### **Freecycle Moo Wants Free Hot Tub**

**Freecycle** is a mooch-fest in my city, too. ... Sunfell In my most recent Ann Arbor **Freecycle** email digest, there were ten items "wanted" and four offers. ...  
[alt.support.childfree](#) - May 14 2004, 5:30 am by snerdie - 22 messages - 17 authors

### **dam, freecycle was a scam, and man are they in trouble now**

FBI/IRS complaints against **freecycle** fraud <https://www.ifccfbi.gov> Yes Paul, a great site, I am sure there are hundreds if not thousands of **freecycle** members ...  
[alt.marketplace.online.ebay](#) - Nov 16 2005, 1:00 am by NameNotRelea...@gmail.com - 1 message - 1 author

### **Deron Beal freecycle \$150,000**

... Declawed fronts and spayed. Shy demure. Deron Beal **freecycle** \$150,000 Imagine this  
Deron Beal the creator of **freecycle** is no longer running a free network. ...  
[tor.general](#) - Apr 23 2005, 1:46 am by sn0ball0 - 4 messages - 3 authors

### **Freecycle**

It's part of the **Freecycle** network and you can let fellow Mancunians know what "rubbish" you want to get rid of! <http://groups.yahoo.com> ...  
[uk.local.manchester](#) - Oct 17 2004, 8:13 pm by Fred - 1 message - 1 author

### **After Freecycle A New FRUGAL Concept in the Works**

**Freecycle** used to be good, I got rid of a ton of stuff ... .... Our **freecycle** used to

be about not filling land fills, now it's a social welfare program. ...  
**mtl.general** - Oct 4 2005, 5:24 pm by Kat - 5 messages - 4 authors

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